

A meeting of the New Hampshire Water Well Board was held on February 2, 2005 at 9:30 am, in room 112, 29 Hazen Drive, Concord, NH, 03302.

Present were: Terrell Swain, Chairman
Rick Skarinka (For Rene Pelletier)
Board members: Bart Cushing, Jeffrey Tasker, and Christopher Covell
Staff: Rick Schofield and Genevieve Al-Egaily

Chairman Swain brought the meeting to order at 9:30 am, welcomed visitors, and introduced members of the Board. Chairman Swain also announced that due to the absence of Rene Pelletier, David Wunsch, and Peter Caswell the elections would not be held during this meeting.

Approval of Minutes

Mr. Schofield noted that a correction needed to be made to the draft Minutes of the December 2nd 2004 meeting. Upon motion by Mr. Tasker and seconded by Mr. Covell, the Board unanimously voted to accept the corrected Minutes of the December 2nd meeting.

Previous Complaint

Comac Pump & Well

Mr. Schofield reported that the Department of Environmental Services (“DES”) had issued an administrative fine by consent on the Comac Pump & Well case. He then provided an overview of the complaint and final action.

The board received a complaint from Gilford Well Company stating that Comac Pump & Well had placed a well too close to a septic system at 16 Mill Cove Road, Alton, New Hampshire. DES staff inspected the site and found that the well had been placed 43 feet from the septic system. We 602.05 (c) requires a 75 ft. setback from a septic tanks. The wellhead had been cut off below grade and only 32 feet of casing had been installed. We 602.05 (j) requires that no less than 40 feet of casing be used for wells constructed less than 75 ft. from a septic tank and We 602.06 (e) (i) requires a 8 in. minimum wellhead height above grade. The well report had also been filed 20 days late in violation of RSA 482-B:10 and We 801.03 (c), which requires that the report be filed within 90 days of completing the well.

On September 14th, 2004, Comac Pump & Well returned to the site and removed the 32 feet of casing and grouted and installed 50 feet of casing. A revised well report with the nonconforming well location was than filed. Comac Pump & Well stated that the wellhead had not been cut off below grade when they left the site. DES staff requested that Comac submit a signed statement attesting to that fact however no documentation was received.

DES waived the \$500 fines for the casing and for the nonconforming well location. Comac Pump & Well paid the remaining \$220 fine for filing a late well completion report and for cutting the wellhead off below grade.

Danny Brough / Robert Roy

Mr. Schofield reported that a complaint had been referred to the board by the State Plumbers Board. The complaint, filed by Danny Brough, a licensed plumber, stated that Robert Roy owner and builder at 10 Eagle Ledge Road, Meredith, NH had installed a waterline to his tank and hotwired the pump for temporary service. Mr. Schofield provided an overview of the complaint and LOD that had been issued to Mr. Roy.

DES staff conducted a site inspection on Jan. 11, 2005 and found several violations. Mr. Roy had used an old-style well cover that did not properly seal the well in violation of We 702.05 (d). The three-quarter inch electrical conduit was not mechanically secured to the well cover and the #10 pump wire that was connected to the temporary service at the street was draped along the ground to the well.

DES issued Mr. Roy an LOD informing him that under RSA 482 B:12 a property owner can install his own pump. However, if the home was being built as a “spec house”, a licensed pump installer was required. The LOD requests that Mr. Roy respond by replacing the well cover with a code compliant cover and mechanically securing the electrical conduit to the well cover by May 1st. Within 14 days of receipt of the LOD physically disconnect the temporary submersible pump cable from the temporary electrical service panel. Then notify DES in writing that these conditions have been met.

Mr. Swain requested that Mr. Schofield follow-up to insure that Mr. Roy complied with the LOD.

New ComplaintsCitizens of Stewartstown / Landon Placey

Mr. Schofield reported that six complaints had been received regarding a well constructed by Mr. Placey, the property owner. Mr. Placey was an unlicensed water well contractor and the well was not being used for his private residence. The well had been constructed to service the L & L Riverside Inn located at the intersection of Route 3 and Bishop Brook Road, Stewartstown, NH. Mr. Schofield provided an overview of the complaint.

DES staff looked at the well on Dec. 9th, 2004 and found that the well was constructed in the floodplain at the confluence of Bishop Brook and the Connecticut River. The wellhead was approximately 1 ft. above the ground surface. We 602.07 (f) (i) requires the casing to extend a minimum of 18 inches above the ground surface and Mr. Placey agreed to extend the casing. DES staff suggested that the well cover, which contained an access plug, be replaced with a solid cover. Mr. Placey had stated that he had constructed the well himself using the DES fact sheet on dug well design for the construction parameters. The Bed & Breakfast had a total of nine bedrooms and he thought that under RSA section 482-B:12 he was allowed to construct his own well. DES staff informed Mr. Placey that this statutory exemption did not apply to the Inn

because guests would be using the water and that the well could not be used for the camp ground that he intended to construct in the future without DES approval.

An LOD which had been drafted but not yet sent requested that Mr. Placey have the well inspected by a licensed water well contractor and pump installer by May 1st, 2005. If any deficiencies were found, the LOD requested that they be rectified within 30 days, and that the water be tested using DES standard analysis.

Mr. Cushing requested that there be multiple water quality tests because prior to May 1st the water was less likely to show problems.

Mr. Tasker also thought that the water should be tested during the summer because that was when it was most likely to show water quality problems.

Chairman Swain expressed disappointment with the position that DES had taken on this issue. He felt that because of the number of complaints received from the public and because Mr. Placey had been informed twice by a licensed contractor that he could not install his own well, harsher action should have been taken in this case.

Mr. Schofield stated that the inspection by a licensed contractor and the requirement that any deficiencies be rectified was consistent with the position that the Commissioner had taken on first-time offenders. He also stated that the LOD can only make requests and that an Administrative Order would be needed to require Mr. Placey to do anything.

Mr. Skarinka requested that Mr. Schofield check to see if there were any regulations relating to water quality testing requirements for establishments that serve food, that would apply to Mr. Placey's Bed & Breakfast.

Mr. Covell requested that a sketch be on file showing the location and distance between the well and the septic system and that the water be tested immediately because the well was currently servicing the public.

Mr. Cushing also requested that the water be tested immediately and every three months for the next year.

Mr. Schofield agreed to call Mr. Placey to find out if he had already had the water tested and to check on the results if he had.

Request for Exemption - Susan Hutchinson

Mr. Covell recused himself to be able to speak on behalf of his client Ms. Hutchinson.

Chairman Swain invited Ms. Hutchinson and Mr. Covell to the table.

Ms. Hutchinson explained that she had two active wells servicing 39 homes. One well had a yield of 8 gpm and the other had a yield of 1/2 gpm. She stated that these wells used to have

yields of 30 gpm and that Mr. Covell had been hired to determine the best location for installing a new well. She explained that now she wished to keep both of these wells and install a new well. She told the Board that there were two other wells that were inactive and one well that was on a separate system which serviced five additional homes.

Mr. Covell explained that when a new well had been drilled on the same fracture system as one of the existing wells the yield in the existing well dropped from about twenty gallons per minute to about 1/2 gallon per minute. Ms. Hutchinson wanted to keep the 1/2 gpm well for her father's residence but this was the well that would be required by DES to be decommissioned. Mr. Covell then explained that the new well would be drilled in the same fracture system so grouting the well could affect the existing wells.

Mr. Schofield stated that for her to put in a replacement well, the existing well would have to be decommissioned. The original request was to decommission the well but only seal the top of the well and leave the bottom opened because Mr. Covell had determined that sealing the entire length could diminish the new well. So Ms. Hutchinson had wanted an exemption from the Board allowing only the top of the well to be sealed. Mr. Schofield informed Ms. Hutchinson and Mr. Covell that the Board did not have the authority to allow her to keep the existing well, use the well for the barn, and still drill a replacement well.

Mr. Covell explained that now Ms. Hutchinson did not want to decommission the well which was in the same fracture system where the new well would be placed and the replacement would be more than 50 feet from the well that was to be replaced. They wanted to take the well out of the well field and tie it into the barn.

Mr. Skarinka suggested that Mr. Covell and the Ms. Hutchinson speak with Diane Morgan and request not to decommission the well because with a system that services more than 30 residences, at least two water supplies were required.

Mr. Schofield stated that if the new well was to be placed more than 50 feet away from the old well, they would need to go through a new well siting approval.

The membership agreed that this was an emergency situation because the well yields were so low they should proceed that way. Sarah Pillsbury was attending the meeting and offered to assist Ms. Hutchinson and Mr. Covell.

Continuing Education

Mr. Schofield suggested several topics to consider by the Board for the continuing education lectures to be held before June 30th. The topics included trouble shooting for standard pumps, rules relating to arsenic and radon, well construction, and identifying well pumps that had been struck by lightning. Chlorination was then added to the list of possible topics. Chlorination and trouble shooting were chosen by the Board to be the topics of the continuing education lectures if speakers could be found. Then the Board decided that the locations for the seminars should be reduced from eight to five. The locations decided on for this year's lectures were Concord,

Keene, Salem, Portsmouth, and Lancaster. Lebanon, Franklin, and Chocorua were eliminated. The Board also discussed having the Association take over the training in the future.

Mr. Covell returned.

Old Business

DOT Hydro-Fracturing Form / Well Completion Report Forms / Letterhead

Mr. Schofield informed the board that no progress had been made on drafting a Hydro-Fracturing Form or on revising the Well Completion Report Forms and Letterhead. He was not sure how the Hydro-Fracturing Form and the Well Completion Reports would be matched up.

GPS coordinates were suggested as a way to match the reports. However, no consensus could be reached on this issue because not all drillers have or know how to use GPS. The Board did decide that the Hydro-Fracturing reports should be sent directly to the state rather than having the Hydro-Fracturing Co. send the report to the original well driller. New wells that are hydro-fractured by the driller should be recorded directly on the Well Completion Report. The Board also felt that Hydro-Fracturing reports should be required on all wells that were hydro-fractured even if the well predated the database.

New Business

MtBE Report

Mr. Joseph Ayotte from the USGS gave a presentation on MtBE in groundwater.

Wells Drilled in NHDOT Right-of-Way

Mr. Schofield stated that the Board had received two letters from NHDOT about an ongoing problem regarding wells, which were being drilled within 50 feet of the state's right-of way. He stated that because the Board had no rules regulating setbacks to state highways, there was little that they could do with regard to enforcement without implementing rules. Mr. Schofield explained that the DES Subsurface Systems Bureau approved plans that have wells located within the NHDOT right-of-way because the Bureau considered roadways to be undevelopable land. However, Mr. Schofield stated that he had spoken with staff at the Subsurface Systems Bureau and they had agreed that if the Water Well Board adopted a rule requiring a setback the Bureau would comply.

Phil Huntley from NHDOT explained that he was concerned that the public was not aware of the required setbacks and that by drilling a well within the state's right-of-way they were forfeiting their right to compensation from the state if their well became contaminated. Approximately 7-8 of the 40-50 complaints of contaminated wells that the DOT receives each year were being turned down for replacement or compensation from the state because the wells were drilled

within the states right-of-way. Mr. Huntley offered to send the Board a file containing a map showing the districts used by the DOT and the names and phone numbers of the person to contact in each of the districts to obtain information on the locations of the state's right-of-ways.

The Board agreed that it should adopt the language contained in RSA 228 to insure consistency with NHDOT's requirements on the placement of wells. The Board decided that the Non-Conforming Well Location Form should be modified to inform the public of the loss of rights if a well is located within the DOT's Right-of Way.

NHDOT Monitoring Well Decommissioning Procedural Guidelines

Mr. Schofield attended a meeting with NHDOT on the decommissioning of monitoring wells located on DOT property. He had informed them that a license was required to decommission a well. DOT then expressed interest in obtaining licenses for two or three of their people. DOT also submitted a list of guidelines for the decommissioning of wells. These guidelines involved removing any obstruction that would prevent the well from being sealed. Removing casings and standpipes if possible and if not cutting it off below grade. Using one of the acceptable grout and fill materials stated in the guidelines, the ground surface would be paved or loamed and seeded to a level that would be flush with the original grade and a report would be filed with NHDOT and NHDES. Mr. Schofield stated that the guidelines had been accepted by DES.

Abandoned Well Registration Reports

Mr. Schofield reported that the Board was receiving a larger than expected quantity of the new Abandoned Well Registration Reports. The intent of these reports was to track abandoned drinking water wells. However, the reports were also being filed for abandoned monitoring wells. He, Mr. Chormann, and Mr. Wunsch had decided that they wanted to continue receiving the reports on the abandoned monitoring wells and eventually they wanted to have a data base set up for these well reports. There are currently no rules to determine what information is required on this form.

Local Permits

Mr. Schofield received a call from a licensed pump installer concerned that he was not given an electrical permit to hook up a pump in Manchester. The Board determined that this was a local issue that did not concern the Board.

House Bill 185

Mr. Schofield informed the Board that House Bill 185 would establish a five member subcommittee to study the unique nature of geothermal properties capable of supporting energy production in New Hampshire using high productivity energy and ground source heat pumps. Mr. Schofield reported that the subcommittee would be holding a meeting on February 8, 2005 at 9:00 am.

The meeting was adjourned.

Rene Pelletier
Water Well Board Secretary